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August 20, 2002

Terence A. Dixon, Esq.
Dechert, Price & Rhoads
4000 Bell Atlantic Tower
1717 Arch Street
Philadelphia, PA 19103-2793

RE: Zone Perfect

Dear Terry:

I write once again to alert you to continued use by Zone Perfect of Dr. Sears's name in connection with sales of nutrition bars, protein powder, and related advertising.

Specifically, Dr. Sears recently was made aware of the sales of Zone Perfect protein powder and continuing sales of Zone Perfect bars, both bearing his name. (See enclosed copies.) As I have indicated in the past, the continuing unauthorized use of Dr. Sears's name and misleading statements of association with products with which he is not associated is of great concern to our client. Most troubling of all is that some of these food items appear to have been manufactured in 2002, well beyond any date on which Zone Perfect was authorized to use Dr. Sears's name. Such use must stop immediately.

It also troubles me greatly that we have not received a response to our earlier letters dated May 10, 2002 and June 14, 2002 raising the same and similar issues. We need to hear from you immediately with clear assurances that your client's unlawful activities have stopped and that Zone Perfect has notified in writing all of its customers, vendors, and other sellers of its products that they no longer should sell, offer to sell, or advertise for sale any Zone Perfect products bearing Dr. Sears's name.

From everything we observe, Zone Perfect continues to reap substantial financial benefits from the unlawful use of Dr. Sears's name.

Sincerely,


Stephen A. Hurwitz

encls.

cc: Thomas E. Neely, Esq. (w/encls.)
Barry D. Sears, Ph.D.

Protein Powder

BARRY SEARS, Ph.D.

ZONE

Net weight 27 grams

1-800-233-3426

SAMPLE (3 Blocks)

- Not labeled for individual retail sales

Distributed by ZonoPerfect Nutrition, Co.
www.zonoperfect.com

Zone Perfect Nutrition Bar is a special formula of protein, carbohydrates and dietary fat, which makes them ideal for an energy snack. When used as part of the ZonePerfect Nutrition Program™, ZonePerfect Nutrition Bars can help you lose weight, increase your energy, and satisfy your hunger for up to three hours. To learn more call 1-800-362-6136 or visit www.zoneperfect.com.

U.S. PATENT/BREVET AMÉRICAIN 5,300,757

Les barres ZonePerfect Nutrition sont une formule spéciale de protéine, glucides et lipides, qui les rend idéales pour un snack énergétique. Quand utilisées comme une partie du Programme ZonePerfect Nutrition, les barres ZonePerfect Nutrition peuvent vous aider perdre du poids, augmenter votre énergie et satisfaire votre faim jusqu'à trois heures. Pour plus de renseignements, contactez-nous à 1-800-362-6136 ou visitez notre site Internet www.zoneperfect.com.

STRAWBERRY YOGURT
Flavour/Savour de
YOGOURT DE FRAÎSE

ALL NATURAL/TOU NATUREL
PATENTED NUTRITION BAR
BARRE NUTRITIONNELLE BREVETÉE

BARRY SEARS, Ph.D.

ZONE
PERFECT

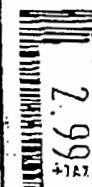
Nutritional Supplement Bar/Barre Supplément Nutritif



NET WEIGHT 50g (1.76 OZ)

Nutrition Information Nutritionnelle par 50g serving (1 bar) / per portion de 50g (1 barre): Energy/Energie 216 Cal/910 kJ; Protein/Protéines: 14g; Fat/Lipides gras: 7.1g; Polyunsaturates/Polyinsaturés: 1.2g; Linoleic Acid/Acide Linoléique 0.8g; n-3 Linolenic Acid/Acide Linoléique n-3 0.2g; Monosaturates/Monosaturés: 1.4g; Saturated/Saturés 4g; Cholesterol/Cholestérol 0mg; Carbohydrates/Glucides 24g; Dietary Fibre/Fibres Alimentaires 1.0g; Vitamin A/Vitamine A 210 RE/E; Vitamin D/Vitamine D 0.0005 mg; Vitamin E/Vitamine E 2.1mg; Vitamin C/Vitamine C 11mg; Thiamine (B1) 0.29 mg; Riboflavin (B2)/Riboflavine (B2) 0.38mg; Niacin/Niacine 6.3 ME/EN; Vitamin B6/Vitamine B6 0.38mg; Folic Acid/Acide Folique 0.063mg; Vitamin B12/Vitamine B12: 0.0002mg; Pantothenic Acid/Acide Pantothénique 1.26mg; Biotin/Biotine 0.025mg; Calcium 210mg; Phosphorus/Phosphore 210mg; Magnesium/Magnésium 42 mg; Iron/Fer 2.1mg; Zinc 2.9 mg; Iodine/Iode 0.032mg; Sodium 320 mg; Potassium 360 mg; Copper/Cuivre 0.32mg; Manganese/Manganèse 0.05mg; Selenium/Sélénium 0.008mg; Chromium/Chrome 0.008mg; Molybdenum/Molybdène 0.017mg

Distributed by / Distribué par: ZonePerfect Nutrition Co., Beverly, MA 01915, USA / E.U.



ZonePerfect Nutrition Company. A balance of 40% carbohydrate, 30% protein and 30% fat. An equivalent of 40% glucose, 30% protein and 30% healthy grains. Satisfaction Guaranteed. ZonePerfect Nutrition is a trademark of ZonePerfect Nutrition Company. Product of Canada/Produit du Canada.

DAIRY / PRODUIT LAITIÈRE

ZonePerfect Nutrition Bar is a special formula of protein, carbohydrates and dietary fat, which makes them ideal for an energy snack. When used as part of the ZonePerfect Nutrition Program™, ZonePerfect Nutrition Bars can help you lose weight, increase your energy, and satisfy your hunger for up to three hours. To learn more call 1-800-362-6136 or visit www.zoneperfect.com.

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CHOCOLATE RASPBERRY
Flavour/Savour de
CHOCOLAT et FRAMBOISE

ALL NATURAL/TOU NATUREL
PATENTED NUTRITION BAR
BARRE NUTRITIONNELLE BREVETÉE

BARRY SEARS, Ph.D.

ZONE
PERFECT

Nutritional Supplement Bar/Barre Supplément Nutritif



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